**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Civil Contempt Petition No. 173 of 2005**

1. Smt. Alka Jain W/o Sri H.C. Jain
   R/o 13 Maligate, Saharanpur.
   At present residient at Hotel Darpan
   Mussoorie, District Dehradun.
2. Smt. Nutan Jain W/o Sri A.K. Jain
   R/o 25/15, Old Rajendra Nagar.
   New Delhi.

…… Petitioners

Versus

Mr. Dilbagh Singh
Vice Chairman,
Mussoorie Dehradun Development Authority,
Dehradun, District Dehradun.

…… Respondent

Mr. S.K. Jain, learned counsel for the petitioners.
Mr. Rajeev Singh Bisht, learned counsel for repsondent.

**Hon'ble P.C. Pant, J.**

This contempt petition is moved complaining disobedience of order dated 01.10.2004 passed in writ petition No. 738 (M/S) of 2001, whereby this Court has directed as under:

> *"Liberty is given to the petitioners to apply for a fresh and the sanction shall be considered within a period of 6 weeks from the filing of the certified copy of the order."*

2) Heard learned counsel for the parties and perused the record.

3) Learned counsel for the petitioners submitted that a fresh plan was submitted for being sanctioned by the MDDA in March 2005 and the same was not considered within a period of six weeks. The counter affidavit filed on behalf of the respondent shows that the plan was considered and the rejection was communicated vide order dated 15th July, 2005 (copy Annexure C.A. –6 to the counter affidavit), whereby the petitioner has been informed that since in the Mussoorie Freeze zone new construction are prohibited under Government Orders dated 25.06.1995, 31.05.1996 and 13.06.1996, therefore the map cannot be sanctioned. Learned counsel for the petitioners, in this regard, drew my attention to the fact that the Government Order dated 31.05.1996 and 13.06.1996 were sought to be quashed in the writ petition. However, the copy of the order passed on 01.10.2004 in writ petition No. 738 (M/S) of 2001 shows that the said Government Orders were not quashed.

4) In the circumstances, it cannot be said if the respondent has committed any wilful disobedience of the Court's order. Therefore, the contempt petition is dismissed and the notices issued to the respondent are discharged.

**(Prafulla C. Pant, J.)**

**Dt.: 7th November, 2005**
H.Negi